

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re RUBEN MORENO,

No. C 13-2432 DMR (PR)

ORDER OF TRANSFER

This action was opened on May 30, 2013, when the Court received from Inmate Ruben Moreno a letter to the Honorable Thelton E. Henderson that concerned prison conditions.¹

On the same date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis* application. The Clerk further notified him that this action would be dismissed if he did not submit a complaint on the proper form and a completed *in forma pauperis* application within twenty-eight days. In addition, on May 31, 2013, the Clerk notified Plaintiff in writing that this matter has been assigned to the undersigned Magistrate Judge.

Further review of Plaintiff's case reveals that, in addition to failing to submit the proper documents, he has also initiated his civil action in the wrong judicial district. Plaintiff's letter states that he is currently incarcerated at the California Institution for Men ("CIM") in Chino, California. He alleges that prison officials at CIM have denied him medical treatment for his numerous medical problems. (Pl.'s May 30, 2013 Letter at 1-2.)

CIM is located in the Central District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

¹ Because Plaintiff addressed his letter to the "Honorable Presiding Judge" in *Plata v. Schwarzenegger*, Case No. C 01-01351 TEH (N.D. Cal. filed 2001), the undersigned Magistrate Judge assumes Plaintiff meant to address it to Judge Henderson.

1 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is
2 TRANSFERRED to the Eastern Division of the United States District Court for the Central District
3 of California.² The Clerk shall transfer the case forthwith.

4 If he wishes to further pursue this action, Plaintiff must complete the complaint form and *in*
5 *forma pauperis* application required by the Eastern Division of the United States District Court for
6 the Central District of California and mail them to that district.

7 All remaining motions are TERMINATED on this Court's docket as no longer pending in
8 this district.

9 The Clerk shall also direct an electronic version of Plaintiff's letter and this Order to Judge
10 Henderson.

11 IT IS SO ORDERED.

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13 Dated: June 18, 2013



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16 DONNA M. RYU
United States Magistrate Judge

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27 ² Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the
28 jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).